

FILED

AUG 18 2008 E-filing

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DECLARATION/AFFIDAVIT

(PR)

CW

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES SEEGARS, hereby declare:

I am a resident at Avenal State Prison, Avenal California, Kings County, and said petitioner before this Honorable United States District Court, Northern District of California;

That on June 20, 2008, petitioner received the enclosed documents from the California supreme Court, which specifically reflect that there are no pending post-conviction challenges pending in the state courts, and all remedies are deemed exhausted. (See attached documents.)

I declare under penalty of perjury that the foregoing is true and correct, excuted this 30 day of July, 2008, at Avenal States Prison, Avenal, California.

James Seegars

DECLARANT
JAMES SEEGARS
PETITIONER AND APPELLANT
IN PRO PER

E X H I B I T

MARY JAMESON
AUTOMATIC APPEALS SUPERVISOR

JORGE NAVARRETE
SUPERVISING DEPUTY CLERK

SAN FRANCISCO
—
NATALIE ROBINSON
SUPERVISING DEPUTY CLERK

LOS ANGELES



Supreme Court of California

FREDERICK K. OHLRICH
COURT ADMINISTRATOR AND
CLERK OF THE SUPREME COURT

June 18, 2008

Mr. James Seegars E-16635
Avenal State Prison 630-1-29L
P.O. Box 9
Avenal, CA 93204

Dear Mr. Seegars:

Enclosed, per your request, are copies of the orders on case numbers S140234 and S151564. A docket listing is also attached to the respective order.

Very truly yours,

FREDERICK K. OHLRICH
Court Administrator and
Clerk of the Supreme Court

By: I. Calanoc, Deputy Clerk

Encls.

☐ SAN FRANCISCO 94102
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—
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S140234

IN THE SUPREME COURT OF CALIFORNIA

En Banc

SUPREME COURT
FILED

In re JAMES C. SEEGARS on Habeas Corpus

APR 25 2007

Frederick K. Ohlrich Cler

The Director of the Department of Corrections and Rehabilitation is ordered to show cause before the Santa Clara County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to the preparation of a free transcript of the habeas evidentiary hearing held in Case Number 121948 on May 9, 2003, May 23, 2003, June 9, 2003, and June 19, 2003. (*Gardner v. California* (1969) 393 U.S. 367.) The return is to be filed on or before May 25, 2007. In all other respects, the petition is denied without prejudice to the filing of an original petition for writ of habeas corpus, raising the same contentions and accompanied by the appropriate record. (*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Deputy

George

Chief Justice

Kennard

Associate Justice

Baxter

Associate Justice

Werdegar

Associate Justice

Chin

Associate Justice

Moreno

Associate Justice

Corrigan

Associate Justice

S140234

Supreme Court of California

Docket Listing

Page 1 of 2

Case Number: S140234
Current Status: closed
Case Title: SEEGARS (JAMES C.) ON H.C.
Start Date: 12/23/2005
Case Category: Original Proceeding - Habeas

Court of Appeals Case Information

Lower Court Case Information

Party Information

DEPARTMENT OF CORRECTIONS
Non-Title Respondent

JAMES C. SEEGARS
Petitioner
PO BOX 2500
VACAVILLE, CA 95696

Attorneys

ATTORNEY GENERAL - SAN FRANCISCO OFFICE
Associate Attorney
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
[None]

Docket Events

<u>Date</u>	<u>Event</u>
12/23/2005	Petition for writ of habeas corpus filed James C. Seegars, Petitioner, in pro per. Exhibits with original only.
9/29/2006	Informal response requested from S.F. A.G. Due 10/16. 20 days for reply.
10/10/2006	Request for extension of time filed 30 day extension to November 15, 2006, to file informal response.
10/16/2006	Extension of time granted On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to November 15, 2006.
11/15/2006	Informal response filed The People, respondent Christopher J. Wei, Deputy Attorney General with exhibits
12/5/2006	Reply to informal response filed James Seegars, petitioner
4/25/2007	OSC issued, returnable in Superior Court The Director of the Department of Corrections and Rehabilitation is ordered to show cause before the Santa Clara County Superior Court, when the matter is

S140234

Supreme Court of California

Docket Listing

Page 2 of 2

placed on calendar, why petitioner is not entitled to the preparation of a free transcript of the habeas evidentiary hearing held in Case Number 121948 on May 9, 2003, May 23, 2003, June 9, 2003, and June 19, 2003. (Gardner v. California (1969) 393 U.S. 367.) The return is to be filed on or before May 25, 2007. In all other respects, the petition is denied without prejudice to the filing of an original petition for writ of habeas corpus, raising the same contentions and accompanied by the appropriate record. (People v. Duvall (1995) 9 Cal.4th 464, 474.)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S151564

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re JAMES SEEGARS on Habeas Corpus

The petition for writ of habeas corpus is denied.

**SUPREME COURT
FILED**

MAY - 9 2007

Frederick K. Ohlrich Clerk

Deputy

GEORGE, C. J.

Chief Justice

S151564

Supreme Court of California

Docket Listing

Page 1 of 1

Case Number: S151564
Current Status: closed
Case Title: SEEGARS (JAMES) ON H.C.
Start Date: 4/5/2007
Case Category: Original Proceeding - Habeas

Court of Appeals Case Information

Lower Court Case Information

Party Information

JAMES SEEGARS
Petitioner
P.O. Box 2500
Vacaville, CA 95696

Attorneys

[None]

Docket Events

<u>Date</u>	<u>Event</u>
4/5/2007	Petition for writ of habeas corpus filed James Seegars, petitioner in pro per
5/9/2007	Petition for writ of habeas corpus denied

STATE OF CALIFORNIA)

PROOF OF SERVICE BY

COUNTY OF KING

PERSON IN STATE CUSTODY

I, JAMES SEEGARS, the undersigned, certify and do declare that I am over the age of 18 years, incarcerated at AVENAL STATE PRISON, located at Avenal, California and a party to the attached foregoing cause of action. On JULY 30, 2008, I did serve true copy of: **DECLARATION/AFFIDAVIT**

[] by depositing it in a prison mail box in a sealed envelope, or [X] by handing it to institutional staff in a sealed envelope, along [X] with Inmate Trust Withdrawal Order Form attached to it requesting that postage be fully prepaid, or [] with postage affixed thereto for deposit in the United States Mail pursuant to California Code of Regulations Sections 3142 and 3165, addressed to the following:

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CA. 94102

ATTORNEY GENERAL OFFICE
JERRY BROWN, et.al.
455 GOLDEN GATE AVENUE, STE. #11000
San Francisco, ca. 94102-3364

Intended place of mailing: US Post Office, at Avenal, California.

I further declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and belief. Executed on JULY 30, 2008.

PETITIONER/DECLARANT IN PRO PER